UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,304	12/28/2001	Tara A. Burnhouse	871.0103.U1(US)	2753

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EXAMINER
MILORD, MARCEAU

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 10/036,304	Applicant(s) BURNHOUSE ET AL.
	Examiner Marceau Milord	Art Unit 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 February 2006</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☒ Claim(s) *3 and 6* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
>
> described as set forth in section 102 of this title, if the differences between the subject
>
> matter sought to be patented and the prior art are such that the subject matter as a whole
>
> would have been obvious at the time the invention was made to a person having ordinary
>
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
>
> by the manner in which the invention was made.

2.   Claims 1-2, 4-5, 7-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Walsh et al (US Patent No 6144848) in view of Ishikura et al (US Patent No 6999791 B1) and

Perholtz et al (US Patent No 5732212).

Regarding claims 1-2, 4-5, 7-8, Walsh et al discloses a system (figs. 1-3) for displaying

data on a display comprising: a system for displaying the data in an alphanumeric mode or an

alternative graphics mode (col. 3, line 40- col. 4, line 8; col. 17, line 5- col. 18, line 41; col. 4,

lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line 26).

However, Walsh et al does not specifically disclose the features of displaying data

transfer rates and a system for switching between displaying the transfer rates in the

alphanumeric mode and the graphics mode.

On the other hand, Ishikura et al, from the same field of endeavor, discloses a mobile

communication terminal apparatus that can easily attain command accept/exchange between a

hand held phone and a data terminal device. The hand held phone sets the selected control

channel in the synthesizer, and thereafter, is set in a standby state. At this time, the control data

transfer rate between the hand held phone and the personal computer PC is set at a low-speed

rate. The control circuit changes the control data transfer rate with the personal computer PC to a

high-speed rate (col. 3, lines 9-52; col. 5, lines 35-65). Upon setting of the CDPD mode,

processing for activating the modem, and changing the control data transfer rate between the

hand held phone and the personal computer PC to a high-speed rate is performed. Hence,

thereafter control data transfer between the modem unit and the hand held phone is performed at

high speed (col. 11, lines 39-47; col. 17, line 53- col. 18, line 12).

Perholtz et al also discloses a system and method for accessing, controlling and

monitoring a data processing device in which a video raster signal from the data processing

device is analyzed to determine the information displayed on a video display monitor attached to

the data processing device is used. The video raster signal is converted to a digital form and a

cyclic redundancy check is performed on the digital data to determine the information contained

in the video raster signal and to generate a compressed representation of that information (col. 5,

lines 18-47; col. 6, lines 26-56). Presently, VGA text mode has visible horizontal scan lines,

VGA graphics mode has scan lines, hi-res mode has scan lines, but the present system is capable

of operating with any number of differing graphics modes and display lines (col. 47, line 26- col.

48, line 28; col. 49, line 58- col. 50, line 13). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to apply the technique of Perholtz to

the modified system of Ishikura and Walsh in order to allow a user the flexibility to view

information displayed on a video terminal.

Regarding claims 9-10, Walsh et al discloses a mobile radio communication device (figs.

1-5) further comprising means for displaying the data transfer on the display in a graphical

format (col. 4, lines 10- 47;col. 35, line 21- col. 36, line 26).

However, Walsh et al does not specifically disclose a means for switching between

displaying the transfer rates in the alphanumeric mode and the graphics mode.

On the other hand, Ishikura et al, from the same field of endeavor, discloses a mobile

communication terminal apparatus that can easily attain command accept/exchange between a

hand held phone and a data terminal device. The hand held phone sets the selected control

channel in the synthesizer, and thereafter, is set in a standby state. At this time, the control data

transfer rate between the hand held phone and the personal computer PC is set at a low-speed

rate. The control circuit changes the control data transfer rate with the personal computer PC to a

high-speed rate (col. 3, lines 9-52; col. 5, lines 35-65). Upon setting of the CDPD mode,

processing for activating the modem, and changing the control data transfer rate between the

hand held phone and the personal computer PC to a high-speed rate is performed. Hence,

thereafter control data transfer between the modem unit and the hand held phone is performed at

high speed (col. 11, lines 39-47; col. 17, line 53- col. 18, line 12).

Perholtz et al also discloses a system and method for accessing, controlling and

monitoring a data processing device in which a video raster signal from the data processing

device is analyzed to determine the information displayed on a video display monitor attached to

the data processing device is used. The video raster signal is converted to a digital form and a

cyclic redundancy check is performed on the digital data to determine the information contained

in the video raster signal and to generate a compressed representation of that information (col. 5,

lines 18-47; col. 6, lines 26-56). Presently, VGA text mode has visible horizontal scan lines,

VGA graphics mode has scan lines, hi-res mode has scan lines, but the present system is capable

of operating with any number of differing graphics modes and display lines (col. 47, line 26- col.

48, line 28; col. 49, line 58- col. 50, line 13). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to apply the technique of Perholtz to

the modified system of Ishikura and Walsh in order to allow a user the flexibility to view

information displayed on a video terminal.

Regarding claims 11-15, Walsh et al discloses a mobile radio communication device

(figs. 1-5) comprising: a transceiver; a controller coupled to the transceiver; a display coupled to

the controller, wherein the controller is adapted to display on the display a data transfer of data

by the transceiver (col. 33, lines 10-25; col. 31, lines 16- 37; col. 4, lines 10-47; col. 17, line 5-

col. 18, line 41; col. 35, line 21- col. 36, line 26).

However, Walsh et al does not specifically disclose the features of a system for

inactivating display of the data transfer rate on the display while the transceiver is transmitting or

receiving the data; wherein the controller is adapted to display the data transfer rate in either an

alphanumeric format or a graphical format; a system for allowing a user to switch between

display of the data transfer rate in either the alphanumeric format or the graphical format.

On the other hand, Ishikura et al, from the same field of endeavor, discloses a mobile

communication terminal apparatus that can easily attain command accept/exchange between a

hand held phone and a data terminal device. The hand held phone sets the selected control

channel in the synthesizer, and thereafter, is set in a standby state. At this time, the control data

transfer rate between the hand held phone and the personal computer PC is set at a low-speed

rate. The control circuit changes the control data transfer rate with the personal computer PC to a

high-speed rate (col. 3, lines 9-52; col. 5, lines 35-65). Upon setting of the CDPD mode,

processing for activating the modem, and changing the control data transfer rate between the

hand held phone and the personal computer PC to a high-speed rate is performed. Hence,

thereafter control data transfer between the modem unit and the hand held phone is performed at

high speed (col. 11, lines 39-47; col. 17, line 53- col. 18, line 12).

Perholtz et al also discloses a system and method for accessing, controlling and

monitoring a data processing device in which a video raster signal from the data processing

device is analyzed to determine the information displayed on a video display monitor attached to

the data processing device is used. The video raster signal is converted to a digital form and a

cyclic redundancy check is performed on the digital data to determine the information contained

in the video raster signal and to generate a compressed representation of that information (col. 5,

lines 18-47; col. 6, lines 26-56). Presently, VGA text mode has visible horizontal scan lines,

VGA graphics mode has scan lines, hi-res mode has scan lines, but the present system is capable

of operating with any number of differing graphics modes and display lines (col. 47, line 26- col.

48, line 28; col. 49, line 58- col. 50, line 13). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to apply the technique of Perholtz to

the modified system of Ishikura and Walsh in order to allow a user the flexibility to view

information displayed on a video terminal.

Claims 16 contains similar limitations addressed in claim 11, and therefore is rejected

under a similar rationale.

Regarding claims 17-20, Walsh et al discloses a method (figs. 1-3) of displaying a data

transfer on a display, the method comprising steps of: selecting, by a user, a data transfer display

mode from a plurality of data transfer display modes (col. 3, line 40- col. 4, line 8; col. 17, line 5-

col. 18, line 41;col. 4, lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line

26).

However, Walsh et al does not specifically disclose the features of displaying the data

transfer rate on the display based upon the selected data transfer rate display mode, wherein the

plurality of data transfer rate display modes comprises an alphanumeric display mode and a

graphical display mode.

On the other hand, Ishikura et al, from the same field of endeavor, discloses a mobile

communication terminal apparatus that can easily attain command accept/exchange between a

hand held phone and a data terminal device. The hand held phone sets the selected control

channel in the synthesizer, and thereafter, is set in a standby state. At this time, the control data

transfer rate between the hand held phone and the personal computer PC is set at a low-speed

rate. The control circuit changes the control data transfer rate with the personal computer PC to a

high-speed rate (col. 3, lines 9-52; col. 5, lines 35-65). Upon setting of the CDPD mode,

processing for activating the modem, and changing the control data transfer rate between the

hand held phone and the personal computer PC to a high-speed rate is performed. Hence,

thereafter control data transfer between the modem unit and the hand held phone is performed at

high speed (col. 11, lines 39-47; col. 17, line 53- col. 18, line 12).

Perholtz et al also discloses a system and method for accessing, controlling and monitoring a data processing device in which a video raster signal from the data processing device is analyzed to determine the information displayed on a video display monitor attached to the data processing device is used. The video raster signal is converted to a digital form and a cyclic redundancy check is performed on the digital data to determine the information contained in the video raster signal and to generate a compressed representation of that information (col. 5, lines 18-47; col. 6, lines 26-56). Presently, VGA text mode has visible horizontal scan lines, VGA graphics mode has scan lines, hi-res mode has scan lines, but the present system is capable of operating with any number of differing graphics modes and display lines (col. 47, line 26- col. 48, line 28; col. 49, line 58- col. 50, line 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Perholtz to the modified system of Ishikura and Walsh in order to allow a user the flexibility to view information displayed on a video terminal.

Regarding claim 21, Walsh et al discloses a method (figs. 1-3) of changing displaying of a data transfer on a display of a portable communication device, the method comprising steps of: selecting, by a user, to turn a displaying feature of the data transfer ON or OFF (col. 15, line 8- col. 16, line 57); and during data transfer by the portable communication device, a controller of the portable communication device, connected to the display (col. 31, lines 16-37; col. 35, line 21- col. 36, line 33; col. 19, line 23-col. 20, line 53; col. 22, lines 7- 23; col. 33, lines 10-25).

However, Walsh et al does not specifically disclose the step of preventing the display from displaying the data transfer rate when the user has selected to turn the displaying feature OFF.

On the other hand, Ishikura et al, from the same field of endeavor, discloses a mobile

communication terminal apparatus that can easily attain command accept/exchange between a

hand held phone and a data terminal device. The hand held phone sets the selected control

channel in the synthesizer, and thereafter, is set in a standby state. At this time, the control data

transfer rate between the hand held phone and the personal computer PC is set at a low-speed

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hand held phone and the personal computer PC to a high-speed rate is performed. Hence,

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high speed (col. 11, lines 39-47; col. 17, line 53- col. 18, line 12).

Perholtz et al also discloses a system and method for accessing, controlling and

monitoring a data processing device in which a video raster signal from the data processing

device is analyzed to determine the information displayed on a video display monitor attached to

the data processing device is used. The video raster signal is converted to a digital form and a

cyclic redundancy check is performed on the digital data to determine the information contained

in the video raster signal and to generate a compressed representation of that information (col. 5,

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of operating with any number of differing graphics modes and display lines (col. 47, line 26- col.

48, line 28; col. 49, line 58- col. 50, line 13). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to apply the technique of Perholtz to

the modified system of Ishikura and Walsh in order to allow a user the flexibility to view

information displayed on a video terminal.

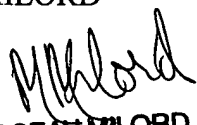### Response to Arguments

3.   Applicant's arguments with respect to claims 1-2, 4-5, 7-21 have been considered but are

moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The

examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCEAU MILORD   Marceau Milord
                                                           Primary Examiner
                                                           Art Unit 2618

MARCEAU MILORD
PRIMARY EXAMINER